Executive Summary – Enforcement Matter – Case No. 42377 Motorola Northwest Property Owners, Inc. RN103065322 Docket No. 2011-1532-EAQ-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

EAQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Motorola Northwest Parmer Lane Campus, 7700 West Parmer Lane, Austin, Williamson

County

Type of Operation:

Construction site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,125

Amount Deferred for Expedited Settlement: \$3,225 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,900

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - Average by Default

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42377 Motorola Northwest Property Owners, Inc. RN103065322 Docket No. 2011-1532-EAQ-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 2, 2011

Date(s) of NOE(s): July 29, 2011

Violation Information

- 1. Failed to submit proof of deed recordation to the TCEQ within 60 days of the approval date, November 19, 1999, of the Edwards Aquifer Protection Plan ("EAPP") [30 Tex. Admin. Code § 213.4(g) and EAPP 11-99092804 Standard Condition No. 2].
- 2. Failed to obtain approval of a modification to an approved EAPP prior to constructing the modification. Specifically, the Respondent installed 0.80 acre of crushed granite trails and paved a temporary construction road without prior approval of the modification [30 Tex. ADMIN. CODE § 213.4(j) and EAPP 11-99092804 Standard Condition No. 4].
- 3. Failed to obtain approval of an aboveground storage tank ("AST") facility plan before commencing construction. Specifically, the Respondent installed two storage tanks to fuel emergency generators without prior approval of the AST plan [30 Tex. Admin. Code § 213.4(a)(1)].
- 4. Failed to test the organized sewage collection system prior to the use of the new sewer lines and manholes [30 Tex. Admin. Code § 213.5(c)(3)(D) and EAPP 11-98070204 Standard Condition No. 8].
- 5. Failed to submit a copy of the transfer of responsibility form to the TCEQ within 30 days of the transfer of ownership of the property [30 Tex. Admin. Code § 213.5(b)(5)(B) and EAPP 11-99092804 Standard Condition No. 17].
- 6. Failed to ensure that inspections and maintenance of permanent best management practices ("BMPs") were performed after construction [30 Tex. Admin. Code § 213.4(k) and EAPP 11-99092804 Standard Condition No. 17].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:

a. On June 28, 2011, submitted the transfer of responsibility form to the TCEQ;

Executive Summary – Enforcement Matter – Case No. 42377 Motorola Northwest Property Owners, Inc. RN103065322 Docket No. 2011-1532-EAQ-E

- b. On July 19, 2011, began maintaining the permanent BMPs and submitted an AST facility plan;
- c. On July 21, 2011, received approval of the modification to the EAPP;
- d. On July 27, 2011, submitted certified test records for the new sewer lines;
- e. On August 3, 2011, submitted the deed recordation; and
- f. On September 16, 2011, received approval of the AST facility plan.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: John Grassi, Director, Motorola Northwest Property Owners, Inc., Spear Street Capital 1114 Avenue of the Americas, New York, New York 10036

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) CEQ 1-Aug-2011 Assigned Screening 2-Aug-2011 PCW 30-Aug-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Motoroia Northwest Property Owners, Inc. Reg. Ent. Ref. No. RN103065322 Major/Minor Source Major Facility/Site Region 11-Austin CASE INFORMATION Enf./Case ID No. 42377 No. of Violations 6 Docket No. 2011-1532-EAQ-E Order Type 1660 Media Program(s) Edwards Aquifer Government/Non-Profit No Enf. Coordinator Cheryl Thompson Multi-Media EC's Team Enforcement Team Maximum \$10,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$20,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 **Compliance History** 0.0% Enhancement Subtotals 2, 3, & 7 No adjustment for Compliance History. Notes Subtotal 4 \$0 0.0% Enhancement Culpability No The Respondent does not meet the culpability criteria. Notes \$3,875 Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* **Economic Benefit** *Capped at the Total EB \$ Amount Total EB Amounts Approx. Cost of Compliance \$16,125 Final Subtotal SUM OF SUBTOTALS 1-7 \$0 0.0% OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes \$16,125 Final Penalty Amount STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$16,125 Reduction **Adjustment** -\$3,225 20.0% (Enter number only; e.g. 20 for 20% reduction.) Reduces the Final Assessed Penalty by the indicted percentage. Deferral offered for expedited settlement. Notes

PAYABLE PENALTY

\$12,900

Screening Date 2-Aug-2011

Docket No. 2011-1532-EAQ-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Motorola Northwest Property Owners, Inc.

Case ID No. 42377

Reg. Ent. Reference No. RN103065322

Media [Statute] Edwards Aquifer

Enf. Coordinator Cheryl Thompson

	rry <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
enter in der seine der Steine der Vertrete der Steine d	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
3.436	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
**************************************		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	-0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
at Violator (Subtotal 3)		
No	Adjustment Per	centage (Sub	total 3)
iliance Histo	ry Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Subi	total 7)
liance Histo	ry Summary		
Compliance History Notes	No adjustment for Compliance History.		

	eening Date			PCW
	Kespondent Case ID No.	, ,	-	n 2 (September 2002) Islan October 30, 2008
Reg. Ent. Re	ference No.	RN103065322		
		Edwards Aquifer		
	ation Number	Cheryl Thompson		
		30 Tex. Admin. Code § 213.4(g) and Edwards Aquifer Protection Plan 11-9 Standard Condition No. 2	9092804	
Violatio	on Description	Failed to submit proof of deed recordation to the TCEQ within 60 days of approval date, November 19, 1999, of the Edwards Aquifer Protection I		
		Base	Penalty [\$10,000
>> Environme	ntal, Proper	ty and Human Health Matrix		
	Release	Harm		
OR	Actual	Major Moderate Minor		
	Potential	Percent 0%		
>>Programma	tic Matrix			
	Faisification	Major Moderate Minor X Percent 25%		
		X Percent 25%		
Matrix				
Notes		100% of the rule requirement was not met.		
	L			
		Adjustment	\$7,500	
				\$2,500
Violation Even	r c			
*******			33838955394539538	
	Number of V	iolation Events 1 62 Number of violation da	ıγs	
		daily		
		weekly monthly		
	mark only one with an x	quarterly Violation Base I	Penalty _	\$2,500
	иргысх	semiannual		
		annual single event x		
		One single event is recommended.		
Good Faith Effo	orts to Comp	ly 10.0% Reduction		\$250
		Before NOV NOV to EDPRP/Settlement Offer		
		Extraordinary Ordinary		
		N/A (mark with x)		
		The Respondent returned to compliance on August 3,		
		Notes 2011.		
		Violation Si		\$2,250
			renewe et citiencekeest	32,230
Economic Bene	fit (EB) for	this violation Statutory Limit T	est	
	Estimate	d EB Amount \$0 Violation Final Penalt	y Total	\$2,250
		This violation Final Assessed Penalty (adjusted for	limits)	\$2,250

	RN103065322 Edwards Aquif					Percent Interest	Years of Depreciation
Violation No.	1					5.0	1
	Tham Carb	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Date Required	This Date		Interest Garco	Onethine coots	
	NO COMMISSION 3						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$ 0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	50
Record Keeping System				0.00	50	n/a	\$0
Training/Sampling				0.00	\$0	n/a	50
	formaniament and a second	1		0.00	\$0	n/a	\$0
Remediation/Disposal		JI					
Remediation/Disposal Permit Costs				0.00	\$0	6/0	\$0
Permit Costs Other (as needed)	\$50 Estimated co	2-Jun-2011 ost to provide a co		0.00 0.17 of reco	\$0 \$0 rdation. Date req		\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco	\$0 \$0 ordation. Date require of compliance.	n/a n/a uired is the date of	\$0 \$0 nvestigation.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da	\$0 \$0 irdation. Date req ate of compliance. ing item (except)	n/a n/a uired is the date of for one-time avoid	\$0 \$0 nvestigation. led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterin	\$0 \$0 ordation. Date require of compliance. ag item (except \$0	n/a n/a n/a uired is the date of for one-time avoic \$0	\$0 \$0 nvestigation. led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterir 0.00 0.00	\$0 \$0 ordation. Date req ate of compliance. ag item (except 1 \$0 \$0	n/a n/a uired is the date of for one-time avoid	\$0 \$0 nvestigation. led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterir 0.00 0.00 0.00	\$0 \$0 irdation. Date req ate of compliance. ig item (except \$0 \$0 \$0	n/a n/a uired is the date of for one-time avoic \$0 \$0	\$0 \$0 investigation. led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterir 0.00 0.00	\$0 \$0 ordation. Date req ate of compliance. ag item (except 1 \$0 \$0	n/a n/a uired is the date of for one-time avoid \$0 \$0 \$0	\$0 \$0 investigation. led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterir 0.00 0.00 0.00 0.00	\$0 \$0 ordation. Date required of compliance. In the following the follo	n/a n/a uired is the date of for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 investigation. led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to provide a co	py of the deed Final date is	0.00 0.17 of reco the da enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$0 irdation. Date req ite of compliance. ig item (except \$0 \$0 \$0 \$0 \$0	n/a n/a uired is the date of for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 investigation. ied costs) \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
	• • •	rvision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		Revision October 30, 2008
Media [Statute]		
Enf. Coordinator		
Violation Number	Cherry monpour	
Rule Cite(s)	30 Tex. Admin. Code § 213.4(j) and Edwards Aquifer Protection Plan 11-9909280	41
	Standard Condition No. 4	
Violation Description	Failed to obtain approval of a modification to an approved Edwards Aquifer Protection Plan prior to constructing the modification. Specifically, the Responden installed 0.80 acre of crushed granite trails and paved a temporary construction road without prior approval of the modification.	t
	Base Penali	\$10,000
>> Environmental. Proper	ty and Human Health Matrix	
4	Harm	
Release OR Actual	Major Moderate Minor	
OR Actual Potential	Percent 0%	
Fotential	1010011 0001	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent 25%	
£		
Matrix	Adams and the second se	
Notes	100% of the rule requirement was not met.	
<u>Lamina in a la calanta de la calanta de</u>		
	Adjustment \$7,50	10
	#####################################	
-		\$2,500
Violation Events		
Number of V	iolation Events 2 49 Number of violation days	
	[bookstandscandscandscandscand]	
	daily	
	weekly	
mark only one	monthly X quarterly Violation Base Penalt	\$5,000
with an x	quarterly Violation Base Penalt semiannual	\$ \$3,000
	annual	
	single event.	
	1	nicore
Two monthly a	vents are recommended from the period of June 2, 2011 (investigation date) to July	v
two moneny c	21, 2011 (date of compliance).	
Total to the second consequence of the secon		
Good Faith Efforts to Comp	1V 25.0% Reduction	\$1,250
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary X	
	N/A (mark with x)	
	Notes The Respondent returned to compliance on July 21, 2011.	
	Violation Subtota	\$3,750
		42/730
Economic Benefit (EB) for	this violation Statutory Limit Test	
		42 750
Estimate	d EB Amount \$8 Violation Final Penalty Tota	\$3,750
	This violation Final Assessed Penalty (adjusted for limits) \$3,750

Violation No.	Item Cost					Percent Interest	Years of Depreciation
Item Description						5.0	1:
Item Description		nata nasuisad	Elasl Data	V	Interest Saved	***********************	EB Amount
item vescripcon			Fillal Date	112	micrest paven	Officiality Costs	LD Amount
	No commas or \$						
Delayed Costs							
Delayeu Custs Equipment	 	T TO THE STATE OF		0.00	\$0	\$0	\$0
Buildings	***************************************		***************************************	0.00	<u> </u>	\$0 \$0	\$0
Other (as needed)	************************			0.00	\$0	ŠÕ	\$0 \$0
Engineering/construction	***************************************	 		0.00	\$0	\$0	\$0
Land	**************************************			0.00	<u>\$0</u>	n/a	<u>*************************************</u>
Record Keeping System	200000000000000000000000000000000000000			0.00	\$0	17/2	\$0
Training/Sampling			***************************************	0.00	\$0	1/8	\$0
Remediation/Disposal			000000000000000000000000000000000000000	0.00	\$0	r/a	\$0
Permit Costs			************************	0.00			
Other (as needed)	\$1,150	<u> </u>		8 33 (128)	SU I	r/a	\$0
•	Estimated co	2-Jun-2011 st (\$650 modifica before construction	21-Jul-2011 tion fee and \$5	0.13 00 for t	\$0 \$8 he cost of the app required is the in	n/a lication) to obtain a	<u>\$8</u> oproval of the
Notes for DELAYED costs Avoided Costs	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for to n. Date e of col	\$8 he cost of the app required is the in applance. Ig item (except f	r/a lication) to obtain a vestigation date. Fir or one-time avoid	\$8 oproval of the al date is the
Notes for DELAYED costs Avoided Costs Disposal	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for to n. Date e of col entering 0.00	\$8 the cost of the app required is the in appliance, ig item (except f	r/a lication) to obtain a vestigation date. Fir or one-time avoid \$0	\$8 oproval of the lail date is the led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for to n. Date a of co anterir 0.00 0.00	\$8 the cost of the app required is the in appliance. If item (except f \$0 \$0	r/a lication) to obtain a vestigation date. Fir or one-time avoid	\$8 oproval of the lail date is the led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for to n. Date e of col entering 0.00	\$8 the cost of the app required is the in appliance, ig item (except f	r/a lication) to obtain a vestigation date. Fir or one-time avoid \$0 \$0	\$8 oproval of the lail date is the led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for to n. Date e of co enterir 0.00 0.00	\$8 the cost of the app required is the in upliance. ig item (except f \$0 \$0 \$0 \$0 \$0 \$0	r/a lication) to obtain a vestigation date. Fir or one-time avoid \$0 \$0 \$0 \$0	\$8 oproval of the lail date is the solution sol
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co modification	st (\$650 modifica before construction	tion fee and \$5 on activity bega dat	0.13 00 for the Date of content o	\$8 he cost of the app required is the in mpliance. ig item (except i \$0 \$0 \$0 \$0 \$0 \$0	r/a lication) to obtain a vestigation date. Fir or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$8 oproval of the lal date is the led costs) \$0 \$0 \$0 \$0

Screening Date 2-Aug-2011 Docket No. 2011-1532-EAQ-E	PCW
Respondent Motorola Northwest Property Owners, Inc. Policy Revision 2 (S Case ID No. 42377 PCW Revision 0	September 2002) October 30, 2008
Reg. Ent. Reference No. RN103065322	JCCODET 30, 2000
Media [Statute] Edwards Aquifer	
Enf. Coordinator Cheryl Thompson	
Violation Number 3	
Rule Cite(s) 30 Tex. Admin. Code § 213.4(a)(1)	
Failed to obtain approval of an aboveground storage tank ("AST") facility plan before Violation Description commencing construction. Specifically, the Respondent installed two storage tanks	
to fuel emergency generators without prior approval of the AST plan.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual Potential Percent 0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor x Percent 25%	
Matrix Notes 100% of the rule requirement was not met.	
Adjustment \$7,500	
	ė2 F00
	\$2,500
Violation Events	
Number of Violation Events 2 61 Number of violation days	
Number of Violation Events 2 61 Number of violation days	
daily	
weekly	
mark only one quarterly Violation Base Penalty	\$5,000
with an x semiannual	and the second
annual annua	
single event	
Two monthly events are recommended from the period of June 2, 2011 (investigation date) to August 2, 2011 (screening date).	
Good Faith Efforts to Comply Reduction	\$500
Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	
Ordinary X	
N/A (mark with x)	
Notes The Respondent achieved compliance on September 16, 2011.	
2011.	
Violation Subtotal	\$4,500
Shared and the state of the sta	/
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$9 Violation Final Penalty Total	\$4,500
This violation Final Assessed Penalty (adjusted for limits)	\$4,500
ins vidialion ring assessed rendity (deleted in limits):	φ~r,∪∪∪;

	E	conomic	Benefit	Wo	rksheet		
Case ID No.	42377	hwest Property Ov	wners, Inc.				***************************************
Reg. Ent. Reference No. Media Violation No.	Edwards Aqui	er				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs Equipment	[Transfer of the same of the sa		0.00	\$0	\$0	\$0
Buildings		-		0.00	\$0	\$ 0	\$0
Other (as needed)		1	pengenesi ensergen 1111111111	0.00	\$0 \$0	ŠÕ	<u>\$0</u>
Engineering/construction			***************************************	0.00	<u>\$0</u>	\$0	50
Land		1		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$ Q
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$650	2-Jun-2011	16-Sep-2011	0.29	\$9	n/a l	\$9
Notes for DELAYED costs Avoided Costs			date the AST	facility	plan was approved	estigation date. Finds: or one-time avoic	
AVOIDEU COSIS Disposal				0.00	\$0	\$0	\$0
Personnel	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	 		0.00	\$0	\$0 \$0	\$0
nspection/Reporting/Sampling	************		******************	0.00	\$0 \$0	šo l	<u>\$0</u>
Supplies/equipment		l		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	s0	\$0	50
Other (as needed)				0.00	\$0	\$0	50

Notes for AVOIDED costs							

Screening Date		PCW
		sion 2 (September 2002)
Case ID No.		evision October 30, 2008
Reg. Ent. Reference No. Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 213.5(c)(3)(D) and Edwards Aquifer Protection Plan 11-	
	98070204 Standard Condition No. 8	
Violation Description	Failed to test the organized sewage collection system prior to the use of the new	
	sewer lines and manholes.	
	Base Penalty	\$10,000
SS Environmental Prone	ty and Human Health Matrix	
	Harm	
Release	Parameter and the second secon	
OR Actual Potential		
rotelitia	Toront 2.270	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0%	
	Ith or the environment will or could be exposed to significant amounts of pollutants	
	ith or the environment will or could be exposed to significant amounts of pollutarits not exceed levels that are protective of human health or environmental receptors as a	
Notes	result of the violation.	
L		
	Adjustment \$7,500	
verter in the state of the stat		\$2,500
Violation Events		
Number of	Violation Events 1 55 Number of violation days	
Number of	Violation Events 1	
	daily	·
	weekly	
mark only one	monthly Quarterly X Violation Base Penalty	\$2,500
with an x	quarterly x Violation Base Penalty semiannual	32,300
	annual	
	single event	
One quarterly	y event is recommended from the period of June 2, 2011 (investigation date) to July	
	27, 2011 (date of compliance).	7
Conconsistantia		
Good Faith Efforts to Com		\$625
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary x N/A (mark with x)	
-	TOTAL MARKET TOTAL	
· ·	Notes The Respondent returned to compliance on July 27, 2011	,
	Violation Subtotal	\$1,875
	violation Subtotal	\$1,0/3
Economic Benefit (EB) for	this violation Statutory Limit Test	
:	purpose de la companya del companya de la companya del companya de la companya de	\$1,875
Estimat	ed EB Amount \$38 Violation Final Penalty Total	91,0/3
	This violation Final Assessed Penalty (adjusted for limits)	\$1,875

	Motorola Nort	CONOMIC hwest Property Ov	190290003999999900339939	Wo	rksheet		
Case ID No. teg. Ent. Reference No. Media Violation No.	RN103065322 Edwards Aquil					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	assan and and security Said						
Delayed Costs		T		0.00	\$0	s0 I	\$0
Equipment Buildings	***************************************			0.00	<u> </u>	\$0 \$0	<u>\$0</u>
Other (as needed)	***********	 		0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction			****	0.00	š0	\$0	ŝõ
Land	***************************************	(******************	0.00	50	ri/a	\$0
Record Keeping System	**********	^		0.00	s0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	****************************			0.00	s0	1/a	\$0
Permit Costs	************************			0.00	50	n/a	\$0
Other (as needed)	\$5,000	2-Jun-2011	27-Jul-2011	0.15	\$38	n/a	\$38
Notes for DELAYED costs Avoided Costs Disposal		is the invi	estigation date	Final enterir	date is the date of ig item (except in \$0	or one-time avoid	ed costs)
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	<u> </u>	<u>\$0</u>
Supplies/equipment			***************************************	0.00	<u>\$0</u>	<u> </u>	<u>\$0</u>
Financial Assurance [2]				0.00	\$0	<u>\$0</u> \$0	<u>\$0</u> \$0
ONE-TIME avoided costs [3]		4		0.00	\$0 \$0	\$0 \$0	<u>\$U</u> \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>					
Approx. Cost of Compliance		\$5,000		100000000000000000000000000000000000000			

		eening Date		and the second		ket No. 2011	-1532-EAQ-E	***************************************	PCW
		Respondent Case ID No.		thwest Property	Owners, Inc.				n 2 (September 2002) sion October 30, 2008
Reg.		ference No.		22				7 677 77677	000000. 00, 2000
		ia [Statute]							
		Coordinator lation Number		pson					
	VIO	Rule Cite(s)		I_ dmin. Code § 21	3.5(b)(5)(8) an	id Edwards Aqui	fer Protection	Plan 11-	
		-		9909	2804 Standard	Condition No. 1	7		
					e denia bish		and the second	30	
	Violatio	on Description	Failed to su	bmit a copy of the		esponsibility for ership of the pr		Within 30	
		E .	de entrencia accasación de la contractica del la contractica del la contractica de l			######################################			\$10,000
							bas	e Penalty	\$10,000
>> Env	ironme	ntal, Proper	ty and Hu	man Health	Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual				_			
		Potential				Perce	ent 0%		
>>Proc	ıramma	itic Matrix							
		Falsification	Major	Moderate	Minor	Perce	ent 25%		
			L. X			reite	mt		
	Matrix Notes			100% of the rule	e requirement v	vas not met.			
						Adjustmi	ant	\$7,500	
									\$2,500
<u></u>	Zed - Gedenin indededede i kristo in in in in in i		eren connection and the median con						
Violatio	n Even	ts							
		Number of V	/iolation Event	ts 1		26 Numb	er of violation	days	
		g			Libraria				
			daily weekly						
			monthly					y	
		mark only one with an x	cuarterly			. \	iolation Base	e Penalty	\$2,500
			semiannual annual						
			şingle event	: X					
		[
				One single e	event is recomm	nended.			

CAAA E	.iob Eff	orts to Comp	ala	25.0%	Reduction			Г	\$625
good re	inter C.11	Ji is to comp	<i>1</i> 1.7	· · ·	NOV to EDPRP/Sett	lement Offer		<u> </u>	
			Extraordinary	2222222222222222222					
			Ordinar N/	-	(mark with x)				
			14/						
			Note	The Respor	ndent returned 20:	to compliance or L1	1 June 28,		
					. v.				
							Violation	Subtotal	\$1,875
1 <u>22</u> 230014009919099				*		***		·	
Econon	uc Bene	efit (EB) for	tnis violat	ION		Stati	itory Limit	rest	
		Estimate	ed EB Amoun	nt	\$0	Violatio	on Final Pena	Ity Total	\$1,875
				This viol	ation Final As	sessed Penalty	(adjusted fo	or limits)	\$1,875

Reg. Ent. Reference No. Media Violation No.	Edwards Aqui	fer				Percent Interest	Years of Depreciation
						5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		T T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)			100121022222000000000000000000000000000	0.00	\$0	\$0	\$0
Engineering/construction			200200200000000000000000000000000000000	0.00	\$0	\$0	\$0
Land		1		0.00	\$0	n/a	\$0
				0.00	\$0	n/a	50
Record Keeping System		.		0.00	**************************************		
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	\$50 Estimated co	2-Jun-2011 ost to inform the n		0.00 0.00 0.00 0.07 r of res	\$0 \$0 \$0 \$0 \$0 ponsibility. Date	nya nya	\$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res	\$0 \$0 \$0 \$0 \$ponsibility. Date ate of compliance.	n/a n/a n/a n/a n/a required is the inves	\$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res the da	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance.	n/a n/a n/a n/a required is the inves for one-time avoid	\$0 \$0 \$0 \$0 \$0 stigation date.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res the da	\$0 \$0 \$0 \$0 sponsibility. Date in the of compliance.	n/a n/a n/a n/a required is the inves or one-time avoid	\$0 \$0 \$0 \$0 \$0 sitigation date.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.07 0.07 r of resisting data the data entering 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. ag item (except in \$0 \$0 \$0	n/a n/a n/a n/a required is the inves or one-time avoid \$0 \$0	\$0 \$0 \$0 \$0 stigation date. itigation date.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel espection/Reporting/Sampling	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.07 r of rest the da enterir 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date in the of compliance. ag item (except in \$0 \$0 \$0	n/a n/a n/a n/a required is the inves for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 \$0 stigation date. itigation date.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.07 r of rest the da enterin 0.00 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. ag item (except in \$0 \$0 \$0	n/a n/a n/a n/a required is the inves or one-time avoid \$0 \$0	\$0 \$0 \$0 \$0 \$0 stigation date.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2]	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of resist the date of the date o	\$0 \$0 \$0 \$0 sponsibility. Date in the of compliance. Ing item (except) \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a equired is the inves or one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 stigation date. itigation date. ied costs) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.07 r of rest the da enterin 0.00 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. In the compliance of the complian	nya n/a n/a n/a n/a required is the inves so so so so so so	\$0 \$0 \$0 \$0 stigation date. Ied costs) \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res the da enteria 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. ag item (except) \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a required is the inves or one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 stigation date. sed costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res the da enteria 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. ag item (except) \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a required is the inves or one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 stigation date. stigation date. sed costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to inform the r	egion of transfe Final date is	0.00 0.00 0.00 0.07 r of res the da enteria 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 sponsibility. Date ate of compliance. ag item (except) \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a required is the inves or one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 stigation date. sed costs) \$0 \$0 \$0 \$0 \$0

Screening Date	2-Aug-2011 Docket No. 2011-1532-EAQ-E	PCW
1000000 7777		on 2 (September 2002)
Case ID No.		vision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 213.4(k) and Edwards Aquifer Protection Plan 11-99092804	
	Standard Condition No. 17	
H # 2 . 5 . 5 . 5	Failed to ensure that inspections and maintenance of permanent best management	
Violation Description	practices ("BMPs") were performed after construction.	
		110.000
	Base Penalty	\$10,000
	2	
>> Environmental, Proper	rty and Human Health Matrix Harm	
Release		
OR Actual		
Potential		
rotentia	100000	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
P 43507646767	Percent 0%	
L		
(december 1955)	Ith or the environment will or could be exposed to significant amounts of pollutants	
	not exceed levels that are protective of human health or environmental receptors as a	
Notes	result of the violation.	
L. L.	(ADDR M. DIC TOMORNI)	
	Adjustment \$7,500	
	77,750	
		\$2,500
Violation Events		
000000000000000000000000000000000000000	Proceedings of the contraction o	
Number of \	Violation Events 1 47 Number of violation days	
	<u> </u>	
	daily	
	weekly	
	month y	
mark only one with an x	quarterly X Violation Base Penalty	\$2,500
	semiannual	
	annual	
	single event	
[Section 1997]		
One marterly	y event is recommended from the period of June 2, 2011 (investigation date) to July	
One quartern	19, 2011 (date of compliance).	
	2.4 (2.2.4. Y. 2.2.4. X.	
		± 14 /4
Good Faith Efforts to Comp	ply 25.0% Reduction	\$625
	Before NOV NOV to EDPRP/Settlement Offer	·
	Extraordinary	
	Ordinary ×	street to
	N/A (mark with x)	
	Notes The Respondent returned to compliance on July 19, 2011.	A
	Violation Subtotal	\$1,875
30000300000000000000000000000000000000		
Economic Benefit (EB) for	this violation Statutory Limit Test	
		#4 OFF
Estimate	ed EB Amount \$13 Violation Final Penalty Total	\$1,875
	This violation Final Assessed Penalty (adjusted for limits)	\$1,875
	ring violation i mai Assessed i endrey (dajasted for inints))	42/0/0
		bassa: 400400404444444444444

		99566666999999999999		***	rksheet		
Respondent Case ID No. Leg. Ent. Reference No.	42377	hwest Property Ov !	vners, Inc.				
	Edwards Aquif					Percent Interest	Years of Depreciation
						5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	50	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/e	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	r/a	\$0
Remediation/Disposal				0.00	\$0	r/a	50
Remediation/Disposal Permit Costs				0.00	\$0	17/8	\$0
	\$2,000 Ectimate		19-Jul-2011	0.00 0.13	\$0 \$13	r/a n/a	\$0 \$13
Permit Costs Other (as needed) Notes for DELAYED costs	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat	\$0 \$13 and maintaining the e is the date of co	r/a n/a e BMPs. Date requi mpliance.	\$0 \$13 red is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat	\$0 \$13 and maintaining th e is the date of co ng item (except i	n/a n/a e BMPs. Date requi mplience. for one-time avoic	\$0 \$13 red is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat entering 0.00	\$0 \$13 and maintaining the e is the date of co or item (except in the second in the se	r/a n/a e BMPs. Date requi mpliance. for one-time avoic \$0	\$0 \$13 red is the led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat enterin 0.00 0.00	\$0 \$13 and maintaining the e is the date of co ng item (except i \$0 \$0	n/a n/a e BMPs. Date requi mplience. for one-time avoic	\$0 \$13 red is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat anterit 0.00 0.00 0.00	\$0 \$13 and maintaining the is the date of co ig item (except 1 \$0 \$0 \$0	r/a n/a e BMPs. Date requi mpliance. for one-time avoic \$0 \$0 \$0 \$0	\$0 \$13 red is the sed costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat enterin 0.00 0.00	\$0 \$13 and maintaining the e is the date of co ng item (except i \$0 \$0	r/a n/a e BMPs. Date requi mpliance. for one-time avoic \$0 \$0	\$0 \$13 red is the
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat enterir 0.00 0.00 0.00	\$0 \$13 and maintaining the is the date of co ig item (except 1 \$0 \$0 \$0 \$0	r/a n/a e BMPs. Date requi mpliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$13 red is the sed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 etions a nal dat 0.00 0.00 0.00 0.00 0.00	\$0 \$13 and maintaining the e is the date of co ig item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r/a n/a e BMPs. Date requirence. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$13 red is the so \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 etions a nal dat 0.00 0.00 0.00 0.00 0.00	\$0 \$13 and maintaining the e is the date of co ig item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r/a n/a e BMPs. Date requirence. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$13 red is the s0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimate	ed cost to begin co invest	inducting inspe gation date. Fi	0.00 0.13 ctions a nal dat 0.00 0.00 0.00 0.00 0.00	\$0 \$13 and maintaining the e is the date of co ig item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	r/a n/a e BMPs. Date requirence. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$13 red is the s0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator: CN603932625 MOTOROLA NORTHWEST Classification: Rating: PROPERTY OWNERS, INC. Regulated Entity: RN103065322 MOTOROLA NORTHWEST PARMER Classification: AVERAGE Site Rating: 3.01 BY DEFAULT LANE CAMPUS ID Number(s): **EDWARDS AQUIFER** REGISTRATION 11-11050404 **EDWARDS AQUIFER** REGISTRATION 11-11050404A **EDWARDS AQUIFER** REGISTRATION 11-98070204 **EDWARDS AQUIFER** REGISTRATION 11-99092804 **EDWARDS AQUIFER** REGISTRATION 11-98042702 **EDWARDS AQUIFER** REGISTRATION 11-98050102 **EDWARDS AQUIFER** REGISTRATION 11-98050102A **EDWARDS AQUIFER** REGISTRATION 11-98070205 **EDWARDS AQUIFER** REGISTRATION 11-11050404 Location: 7700 W PARMER LN, AUSTIN, TX, 78729 TCEQ Region: **REGION 11 - AUSTIN** Date Compliance History Prepared: August 31, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: August 31, 2006 to August 31, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Cheryl Thompson Phone: (817) 588-5886 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes 3. If Yes, who is the current owner/operator? OWN MOTOROLA NORTHWEST PROPERTY OWNERS, INC. OWN **COUSINS STONE** 4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Faison-Texas, Inc. 5. When did the change(s) in owner or operator occur? 5/4/2009 Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 07/29/2011 (924043)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A Environmental audits. F. N/A

N/A

N/A

Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates.

G.

H.

1. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MOTOROLA NORTHWEST	§	
PROPERTY OWNERS, INC.	§	
RN103065322	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1532-EAQ-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motorola Northwest Property Owners, Inc. ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a construction site located at 7700 West Parmer Lane in Austin, Williamson County, Texas (the "Site").
- 2. The Respondent has discharged other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 3, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Sixteen Thousand One Hundred Twenty-Five Dollars (\$16,125) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Twelve Thousand Nine Hundred Dollars (\$12,900) of the administrative penalty and Three Thousand Two Hundred Twenty-Five Dollars (\$3,225) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. On June 28, 2011, submitted the transfer of responsibility form to the TCEQ;
 - b. On July 19, 2011, began maintaining the permanent best management practices ("BMPs") and submitted an aboveground storage tank ("AST") facility plan;
 - c. On July 21, 2011, received approval of the modification to the Edwards Aquifer Protection Plan ("EAPP");
 - d. On July 27, 2011, submitted certified test records for the new sewer lines;
 - e. On August 3, 2011, submitted the deed recordation; and
 - f. On September 16, 2011, received approval of the AST facility plan.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have:

- 1. Failed to submit proof of deed recordation to the TCEQ within 60 days of the approval date, November 19, 1999, of the EAPP, in violation of 30 Tex. Admin. Code § 213.4(g) and EAPP 11-99092804 Standard Condition No. 2, as documented during a record review conducted on June 2, 2011.
- 2. Failed to obtain approval of a modification to an approved EAPP prior to constructing the modification, in violation of 30 Tex. Admin. Code § 213.4(j) and EAPP 11-99092804 Standard Condition No. 4, as documented during a record review conducted on June 2, 2011. Specifically, the Respondent installed 0.80 acre of crushed granite trails and paved a temporary construction road without prior approval of the modification.
- 3. Failed to obtain approval of an AST facility plan before commencing construction, in violation of 30 Tex. Admin. Code § 213.4(a)(1), as documented during a record review conducted on June 2, 2011. Specifically, the Respondent installed two storage tanks to fuel emergency generators without prior approval of the AST plan.
- 4. Failed to test the organized sewage collection system prior to the use of the new sewer lines and manholes, in violation of 30 Tex. ADMIN. CODE § 213.5(c)(3)(D) and EAPP 11-98070204 Standard Condition No. 8, as documented during a record review conducted on June 2, 2011.
- 5. Failed to submit a copy of the transfer of responsibility form to the TCEQ within 30 days of the transfer of ownership of the property, in violation of 30 TEX. ADMIN. CODE § 213.5(b)(5)(B) and EAPP 11-99092804 Standard Condition No. 17, as documented during a record review conducted on June 2, 2011.
- 6. Failed to ensure that inspections and maintenance of permanent BMPs were performed after construction, in violation of 30 Tex. ADMIN. CODE § 213.4(k) and EAPP 11-99092804 Standard Condition No. 17, as documented during a record review conducted on June 2, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations

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which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motorola Northwest Property Owners, Inc., Docket No. 2011-1532-EAQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 4. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 5. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	Date / 12
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of do agree to the terms and conditions specified the accepting payment for the penalty amount, is mat	the entity indicated below my signature, and I erein. I further acknowledge that the TCEQ, in
additional penalties, and/or attorney fees,Increased penalties in any future enforcem	nay result in: s submitted; eneral's Office for contempt, injunctive relief, or to a collection agency; nent actions; ral's Office of any future enforcement actions; v law.
John Grassi	Director
Name (Printed or typed) Authorized Representative of	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.